

IN THE SUPREME COURT OF THE STATE OF MONTANA  
NO. DA 09-0322

PLAINS GRAINS LIMITED PARTNERSHIP, a Montana limited  
partnership; et al.,

Appellants,

v.

BOARD OF COUNTY COMMISSIONERS OF CASCADE  
COUNTY, the governing body of the County of Cascade, acting by and  
through Peggy S. Beltrone, Lance Olson and Joe Briggs,

Appellees,

and

SOUTHERN MONTANA ELECTRIC GENERATION and  
TRANSMISSION COOPERATIVE, INC.; the ESTATE OF DUANE  
L. URQUHART; MARY URQUHART; SCOTT URQUHART; and  
LINDA URQUHART,

Appellees/Cross-Appellants.

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**NOTICE INVOLVING CONSTITUTIONAL QUESTIONS**

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TO: STEVE BULLOCK, ATTORNEY GENERAL  
OF THE STATE OF MONTANA

Pursuant to the provisions of Rule 27, M.R.App.P., the Appellants in this proceeding serve notice to the Montana Attorney General of the existence of a constitutional issue implicated by the Cross-Appellants' cross-appeal, and motion to dismiss Appellants' appeal, on the grounds that the appeal has been rendered moot by virtue of Appellants not having sought a stay of the District Court's decision and judgment affirming the rezoning of some 668 acres of land from Agricultural to Heavy Industrial. Appellants have not yet had the benefit of reviewing the Cross-Appellants' brief in support of its cross-appeal, which is due to be filed on or before

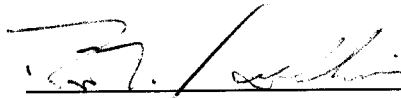
FILED

SEP 11 2009

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

September 14, 2009, but Appellants anticipate that in response they may argue that as urged by Cross-Appellants the stay provisions of Rule 22, M.R.App.P., as applied to Appellants, would be violative of Appellants' constitutional rights, including the rights guaranteed by Art. II, §§ 3, 4, 6, 8, and 16, of the Montana Constitution. Please advise in writing as to whether the Attorney General will intervene in the appeal on the constitutional issues.

Respectfully submitted this 9<sup>th</sup> day of September, 2009.



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## CERTIFICATE OF SERVICE

I hereby certify that on this 9<sup>th</sup> day of September, 2009, a true and correct copy of the foregoing document has been served via U.S. First Class Mail upon the following:

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